



Docket No.: 2801-0187P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Robert K. SCHULTZ et al.

Application No.: 10/820,817

Confirmation No.: 8899

Filed: April 9, 2004

Art Unit: 1615

For: SUSPENSION AEROSOL FORMULATIONS

Examiner: E. E. Silverman

INFORMATION DISCLOSURE STATEMENT

(SUBMISSION AFTER FILING OF AN APPLICATION BUT BEFORE FINAL REJECTION OR NOTICE OF ALLOWANCE OR CONCURRENTLY WITH A RULE 1.114 RCE APPLICATION)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-SB08(s), attached hereto.

II. COPIES

☐ a. Copies of cited U.S. patents and patent application publications are not included. Copies of foreign patent documents and non-patent literature are included.

☐ b. Some or all of the documents listed on the PTO-SB08 are not enclosed because they were cited in the International Search Report and copies should already be in the PTO file. If copies are needed, please contact the undersigned.

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☒ c. REFERENCES PREVIOUSLY CITED OR SUBMITTED - Pursuant to 37 C.F.R. §1.98(d), consideration of information listed on the PTO-SB08 form(s) is requested since any patents, publications, or other information which are listed on the PTO-SB08 form(s) but for which copies are not enclosed herewith, were previously cited by or submitted to the PTO in related U.S. Application Nos. 09/362,696; 09/444,296; or 10/214,186, or in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Application No. and U.S. Filing Date

08/455,280 filed May 31, 1995

07/878,039 filed May 4, 1992

07/809,791 filed December 18, 1991

07/810,401 filed December 18, 1991

III. CONCISE EXPLANATION OF THE RELEVANCE

(check at least one box)

☒ a. DOCUMENTS IN THE ENGLISH LANGUAGE - The patents, publications, or other information listed on the attached PTO SB08 are in the English language and therefore, do not require a statement of relevancy.

☐ b. DOCUMENTS NOT IN THE ENGLISH LANGUAGE - A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows:

☐ c. ENGLISH LANGUAGE SEARCH REPORT - An English language version of the search report or action that indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(III)(A)(3).

☒ d. OTHER - The following additional information is provided for the Examiner's consideration. **Each reference listed on the attached SB08, were cited in a related application, as noted above (see box II.c.), with the exception of B. K. Sidhu et al., *J. Pharm. Pharmacol.*, 1993, 45: 597-600, which is first cited herein.**

IV. FEES (check one box)

☐ a. This Information Disclosure Statement is being filed concurrently with the filing of a new patent application; therefore, no fee is required.

☐ b. This Information Disclosure Statement is being filed concurrent with the filing of a continuation-in-part, continuation, or divisional patent application; therefore, no fee is required.

☐ c. This Information Disclosure Statement is being filed within three months of the filing date of a national application (37 C.F.R. § 1.97(b)(1)). No fee or statement is required.
(This section is not to be used with RCE's.)

☐ d. This Information Disclosure Statement is being filed within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or statement is required.

☐ e. This Information Disclosure Statement is being filed concurrently with the filing of a Request for Continued Examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required.

☐ f. This Information Disclosure Statement is being filed before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or statement is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) below, or, if no statement has been made, charge our deposit account for the fee as required by 37 C.F.R. § 1.17(p).

☐ g. This Information Disclosure Statement is being filed before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c)(1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c)(2)).

☒ No statement; therefore, a fee as required by 37 C.F.R. § 1.17(p) is attached.

or

☐ See the statement below. No fee is required.

V. STATEMENT UNDER 37 C.F.R. § 1.97(e)(check only one box)

The undersigned hereby states that:

☐ a. Each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than 30 days prior to the filing of this IDS; or

☐ b. Each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or

☐ c. No item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.

☐ d. Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

VI. PAYMENT OF FEES (check one box)

☒ The required fee is listed on the attached Fee Transmittal.

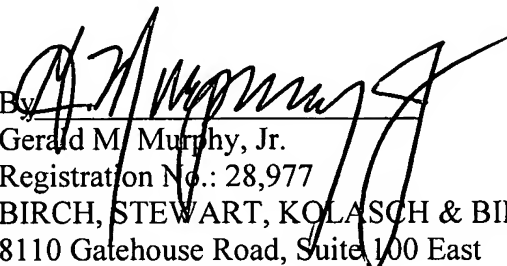
☐ No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

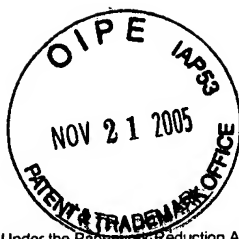
Dated: November 21, 2005

Respectfully submitted,


By _____
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Attachment(s):

- ☒ PTO-SB08
- ☐ Documents
- ☐ Foreign Search Report
- ☒ Fee
- ☐ Other:



PTO/SB/08a/b (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>			Complete if Known		
			Application Number	10/820,817-Conf. #8899	
			Filing Date	April 9, 2004	
			First Named Inventor	Robert K. SCHULTZ	
			Art Unit	1615	
			Examiner Name	E. E. Silverman	
Sheet	1	of	7	Attorney Docket Number	2801-0187P

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	AA*	US-5,145,684	09-08-1992	Liversidge et al.	
	AB*	US-5,492,688	02-20-1996	Byron et al.	
	AC*	US-5,508,023	04-16-1996	Byron et al.	
	AD*	US-5,776,433	07-07-1998	Tzou et al.	
	AE*	US-5,817,293	10-06-1998	Akehurst et al.	
	AF*	US-5,833,950	11-10-1998	Taylor et al.	
	AG*	US-5,916,540	06-29-1999	Akehurst et al.	
	AH*	US-5,922,306	07-13-1999	Akehurst et al.	
	AI*	US-6,006,745	12-28-1999	Marecki	
	AJ*	US-6,013,245	01-11-2000	Taylor et al.	
	AK*	US-6,068,832	05-30-2000	Berry et al.	
	AL*	US-6,200,549	03-13-2001	Akehurst et al.	
	AM*	US-6,221,339	04-24-2001	Akehurst et al.	
	AN*	US-6,238,647	05-29-2001	Akehurst et al.	
	AO*	US-6,251,368	06-26-2001	Akehurst et al.	
	AP*	US-6,306,368	10-23-2001	Taylor & Burnell	
	AQ*	US-6,306,369	10-23-2001	Akehurst et al.	
	AR*	US-5,508,023	04-16-1996	Byron et al.	
	AS*	US-5,919,435	07-06-1999	Taylor et al.	
	AT*	US-6,030,682	02-29-2000	Marecki	
	AU*	US-6,303,103	10-16-2001	Akehurst et al.	
	AV*	US-6,309,624	10-30-2001	Sapsford et al.	
	AW*	US-6,333,023	12-25-2001	Akehurst et al.	
	AX*	US-20020071812-A1	06-13-2002	Weil et al.	
	AY*	US-6,413,497	07-02-2002	Weil et al.	
	AZ*	US-6,419,899	07-16-2002	Weil et al.	
	AA1*	US-4,335,121	06-15-1982	Phillipps et al.	
	AB1*	US-5,270,305	12-14-1993	Palmer	
	AC1*	US-6,416,743	07-09-2002	Fassberg et al.	
	AD1*	US-6,503,482	01-07-2003	Fassberg et al.	
	AE1*	US-6,743,413-B1	06-01-2004	Schultz et al.	
	AF1*	US-20040197273-A1	10-07-2004	Schultz et al.	
	AG1*	US-4,767,612	08-30-1988	Hagen et al.	
	AH1*	US-6,352,684-B1	03-05-2002	Purewal et al.	
	AI1*	US-4,710,495	12-01-1987	Bodor	
	AJ1*	US-4,963,557	10-16-1990	Badger et al.	
	AK1*	US-3,994,421	11-30-1976	Hansen	
	AL1*	US-5,427,282	06-27-1995	Greenleaf et al.	
	AM1*	US-6,054,488	04-25-2000	Oliver et al.	
	AN1*	US-2,868,691	01-13-1959	Porush et al.	
	AO1*	US-2,885,427	05-05-1959	Ruh et al.	
	AP1*	US-3,014,844	12-26-1961	Thiel et al.	
	AQ1*	US-3,219,533	11-23-1965	Mullins et al.	
	AR1*	US-3,261,748	07-19-1966	Larsen et al.	
	AS1*	US-3,320,125	05-16-1967	Grim et al.	

Examiner Signature	Date Considered
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Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>			Complete if Known		
			Application Number	10/820,817-Conf. #8899	
			Filing Date	April 9, 2004	
			First Named Inventor	Robert K. SCHULTZ	
			Art Unit	1615	
			Examiner Name	E. E. Silverman	
Sheet	2	of	7	Attorney Docket Number	2801-0187P

	AT1*	US-3,644,353	02-22-1972	Lunts, Lawrence et al.	
	AU1*	US-3,809,294	05-07-1974	William Torgeson	
	AV1*	US-3,897,779	08-05-1975	Hansen	
	AW1*	US-4,044,126	08-23-1977	Cook et al.	
	AX1*	US-4,129,603	12-12-1978	Stephen L. Bell	
	AY1*	US-4,174,295	11-13-1979	Bargigia et al.	
	AZ1*	US-4,241,048	12-23-1980	Durbak et al.	
	AA2*	US-4,311,863	01-19-1982	William H. Gumprecht	
	AB2*	US-4,347,236	08-31-1982	Paavo Tanskanen	
	AC2*	US-4,352,789	10-05-1982	Brown et al.	
	AD2*	US-4,405,598	09-20-1983	Kenneth Brown	
	AE2*	US-4,814,161	03-07-1989	Jinks et al.	
	AF2*	US-4,851,595	07-28-1989	William H. Gumprecht	
	AG2*	US-4,859,696	08-22-1989	Kamiya et al.	
	AH2*	US-4,940,171	07-10-1990	Gilroy	
	AI2*	US-4,945,119	07-31-1990	Smits et al.	
	AJ2*	US-5,118,494	06-02-1992	Schultz et al.	
	AK2*	US-5,126,123	06-30-1992	Johnson	
	AL2*	US-5,182,040	01-26-1993	Bartlett et al.	
	AM2*	US-5,182,097	01-26-1993	Byron et al.	
	AN2*	US-5,190,029	03-02-1993	Byron et al.	
	AO2*	US-5,202,110	04-13-1993	Dalby et al.	
	AP2*	US-4,810,488	03-07-1989	Jinks et al.	
	AQ2*	US-5,206,268	04-27-1993	Latter et al.	
	AR2*	US-5,225,183	07-06-1993	Purewal et al.	
	AS2*	US-5,230,884	07-27-1993	Evans et al.	
	AT2*	US-5,254,755	10-19-1993	Li et al.	
	AU2*	US-5,290,539	03-01-1994	Marecki	
	AV2*	US-5,292,499	03-08-1994	Evans et al.	
	AW2*	US-5,310,762	05-10-1994	Latter et al.	
	AX2*	US-5,314,682	05-24-1994	Sweval et al.	
	AY2*	US-5,348,730	09-20-1994	Greenleaf et al.	
	AZ2*	US-5,439,670	08-08-1995	Purewal et al.	
	AA3*	US-5,474,759	12-12-1995	Fassberg et al.	
	AB3*	US-5,605,674	02-25-1997	Purewal et al.	
	AC3*	US-5,620,631	04-15-1997	Heiskel et al.	
	AD3*	US-5,653,962	08-05-1997	Akehurst et al.	
	AE3*	US-5,658,549	08-19-1997	Akehurst et al.	
	AF3*	US-5,674,471	10-07-1997	Akehurst et al.	
	AG3*	US-5,674,472	10-07-1997	Akehurst et al.	
	AH3*	US-5,674,473	10-07-1997	Purewal et al.	
	AJ3*	US-5,676,929	10-14-1997	Akehurst et al.	
	AK3*	US-5,681,545	10-28-1997	Purewal et al.	
	AL3*	US-5,683,676	11-04-1997	Akehurst et al.	
	AM3*	US-5,683,677	11-04-1997	Purewall	
	AN3*	US-5,688,782	11-18-1997	Neale et al.	
	AN3*	US-5,695,743	12-09-1997	Purewal et al.	

Examiner Signature		Date Considered	
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			Examiner Name	E. E. Silverman	
Sheet	3	of	7	Attorney Docket Number	2801-0187P

AO3*	US-5,720,940	02-24-1998	Purewal et al.	
AP3*	US-5,736,124	04-07-1998	Akehurst et al.	
AQ3*	US-5,744,123	04-28-1998	Akehurst et al.	
AR3*	US-5,766,573	06-16-1998	Purewal et al.	
AS3*	US-5,776,432	07-07-1998	Schultz et al.	
AT3*	US-5,776,434	07-07-1998	Purewal et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	BA	CA-2,075,058-A2	01-31-1991			
	BB	GB-91/26405.1	12-12-1991			
	BC	GB-91/26378.0	12-12-1991			
	BD	GB-92/02522.0	02-06-1992			
	BE	GB-92/03522.0	1992			
	BF	WO-94/03153-A1	02-17-1994			
	BG	WO-98/52542-A1	11-26-1998			
	BH	EP-0 518 601-A1	12-16-1992			
	BI	EP-1 092 430-A1	04-18-2001			
	BJ	EP-0 656 206-A1	06-07-1995			
	BK	EP-0 656 207-A1	06-07-1995			
	BL	EP-0 518 601	12-16-1992			
	BM	JP-52-80282-A1	07-05-1977			
	BN	SE-437 766	03-18-1985			
	BO	EP-0 365 119-A2	04-25-1990			
	BP	GB-2 235 627-A	03-13-1991			
	BQ	CA-2,062,854-A1	09-15-1992			
	BR	WO-92/00062-A1	01-09-1992			
	BS	WO-92/06675-A1	04-30-1992			
	BT	JP-60-227805-A	11-13-1985			
	BU	GB-2 001 334-A	01-31-1979			
	BV	WO-92/22286-A1	12-23-1992			
	BW	WO-93/05765-A1	04-01-1993			
	BX	DE-27 03 119	08-04-1977			
	BY	DE-27 37 132	02-23-1978			
	BZ	DK-134923	02/1977			
	BA1	EP-0 039 369-A1	11/1981			
	BB1	EP-0 379 793-B1	01/1990			
	BC1	EP-0 372 777	06/1990			
	BD1	EP-0 384 371-A1	08/1990			
	BE1	EP-0 403 301-B1	12/1990			
	BF1	EP-0 504 112-A2	09/1992			
	BG1	EP-0 518 600-A1	12/1992			
	BH1	GB-837465	06/1960			
	BI1	WO-86/03750	07/1986			
	BJ1	WO-86/04233	07/1986			
	BK1	WO-90/07333	07/1990			
	BL1	WO-90/11754	10/1990			

Examiner Signature		Date Considered	
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Sheet	4	of	7	Attorney Docket Number	2801-0187P

	BM1	WO-91/04011	04/1991		
	BN1	WO-91/11173	08/1991		
	BO1	WO-91/11495	08/1991		
	BP1	WO-91/11496	08/1991		
	BQ1	WO-91/14422	10/1991		
	BR1	WO-92/00061	01/1992		
	BS1	WO-92/00107	01/1992		
	BT1	WO-92/08446	05/1992		
	BU1	WO-92/08447	05/1992		
	BV1	WO-92/11190	07/1992		
	BW1	WO-92/22287	12/1992		
	BX1	WO-92/22288	12/1992		
	BY1	WO-93/11743	06/1993		
	BZ1	WO-93/11744	06/1993		
	BA2	WO-93/11745	06/1993		
	BB2	WO-93/11747	06/1993		
	BC2	EP-0 172 672	02-26-1986		
	BD2	GB-2 076 422	12-02-1981		
	BE2	GB-1 429 184	03-24-1976		
	BF2	DE-30 18 550	12-11-1980		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. * CITE NO.: Those application(s) which are marked with an single asterisk (*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(iii)) because that application was filed after June 30, 2003 or is available in the IFW. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	CA	Byron, 1990, Respiratory Drug Del. CRC Press, Boca Raton, FL, pp. 1-267	
	CB	Graepel & Alexander, 1991, J. of Aerosol Med. 4(3):193-200	
	CC	Byron, 1990, Respiratory Drug Del. CRC Press, Boca Raton, FLA, pp. 1-267.	
	CD	Fassberg et al., 1991, U.S. Patent Application No. 07/712,789, filed 10 June 1991.	
	CE	Fassberg et al., 1992, U.S. Patent Application No. 08/157,188, filed as application no. PCT/US92/04618, filed 08 June 1992.	
	CF	Graepel & Alexander, 1991, "CFC Replacements: Safety Testing, Approval for Use in Metered Dose Inhalers", J. of Aerosol Medicine 4(3):193-200.	
	CG	Morck, H., 1990, "EC Commission: CFC Ban in 1997", Pharmazeutische Zeitung 135(9):502-503. English Translation Provided.	
	CH	Spauchur, H.O., 1988, "HFC 134a as a Substitute Refrigerant for CFC 12", Rev. Int. Froid 11:389-392.	
	CI	1987, "Fluorocarbon/Ozone Alternative to Fully Halogenated Chlorofluorocarbons: The Du Pont Development Program", Du Pont Update, pp. 1-3	
	CJ	1988, "ICI Caution on CFC 22", Chemistry & Industry, Mar. 7, p. 132	
	CK	1988, "The Quest for 'Ozone Friendly' Gases", Financial Times, Nov. 11, p. 10.	
	CL	1990, "Hoechst to Replace CFCs", Brochure, Boesch um Ersatz von FCKW, September. English Translation Provided.	
Examiner Signature			Date Considered

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			Art Unit	1615	
			Examiner Name	E. E. Silverman	
Sheet	5	of	7	Attorney Docket Number	2801-0187P

CM	1992, "CFC-Free Aerosols - The Final Hurdle", <i>Manufacturing Chemist</i> 63:22-23.	
CN	Fassberg et al., 1991, U.S. Patent Application No. 07/712,791, filed as PCT/US92/04619, 08 June 1992, now abandoned.	
CO	Fassberg et al., 1993, U.S. Patent Application No. 08/157,182, filed 09 December 1993.	
CP	Keller, M., "Alternatives to CFC containing dosing aerosols," Maritim Hotel Cologne, Seminar 538 of the Working Party for Pharmaceutical Process Technology, March 1991	
CQ	Hoescht: Development of alternatives for fully halogenated CFC is of highest importance, Hoescht Press Information, October 1989	
CR	U.S. Application No. 08/455,490 as filed on May 31, 1995, and a copy of the pending claims.	
CS	U.S. Application No. 08/455,874 as filed on May 31, 1995, and a copy of the pending claims.	
CT	Letter to European Patent Office, dated Aug. 10, 1995, in corresponding European Application 93901414.8.	
CU	Letter to European Patent Office, dated Nov. 17, 1997, in Opposition to EP 553298.	
CV	Expert Report of Dr. John J. Sciarra in U.K. Patents Court, Chancery Division, Revocation Proceedings, CH 1997-M-No. 3722/3766, regarding European Patent 0 617 610.	
CW	Pumfrey, J., United Kingdom Patent Court decision, dated Jul. 28, 1998, in the High Court of Justice, Chancery Division, Patent Court, combined cases CH 1997 M No. 3766 and CH 1997 M No. 3722 (re European Patent No. 0 617 610).	
CX	Jacob, J., United Kingdom Patents Court decision, dated Jun. 30, 1997, in the High Court of Justice, Chancery Division, Patents Court, combined cases CH/96/3771 and CH/96/3773 (re European Patent No. 0,372,777, 0,499,344, and 0,553,298).	
CY	Expert Report of Ian Smith dated May 27, 1998, U.K. Patents Court, Chancery Division, Revocation Proceedings, CH 1997-M-No. 3722/3766, regarding European Patent 0 617 610.	
CZ	Sanders, Paul A. PhD. Handbook of Aerosol Technology, 2.sup.nd Edition, 1979 (New York, New York: Van Nostrand Reinhold Company), p 30, 32, 33, 166, 167, 232, 233, 400, 401, 402.	
CA1	Dalby et al., "CFC Propellant Substitution: P-134a as a Potential Replacement for PL-12 in MDIs", <i>Pharmaceutical Technology</i> , Mar. 1990.	
CB1	Research Disclosure 16265, Oct. 1977.	
CC1	Research Disclosure 30161, May 1989.	
CD1	Oberholz, <i>Frankfurter Allgemeine Zeitung</i> , Oct. 1989, vol. 25, No. 207, p. 7.	
CE1	Dalby et al., <i>Pharmaceutical Technology</i> , Mar. 1990, vol. 14, No. 3, pp. .	
CF1	Amzacort carton, William H. Rorer, Inc. Fort Washington, Pennsylvania, USA 19034, 1986.	
CG1	Kemper et al., <i>Pharmaceutical Journal</i> , Sep. 29, 1990, vol. 245, pp. 428-429.	
CH1	The Theory and Practice of Industrial Pharmacy, 2.sup.nd Ed. 1976 (Philadelphia PA: Lea and Febiger), pp. 270 and 276-278.	
CI1	Handbook of Aerosol Technology, 2.sup.nd Edition, 1979 (New York, New York: Van Nostrand Reinhold Company), pp. 30, 32, 33, 166, 167, 232-233.	
CJ1	Hagers Handbook of Pharmaceutical Practice, 1971, pp. 342-354 (Berlin: Springer-Verlag).	
CK1	Transcript of Judgment by Mr. Justice Pumfrey.	
CL1	Oberholz, 1989, <i>Frankfurter Allgemeine Zeitung</i> , 25:207:7.	
CM1	Dalby et al., 1990, <i>Pharmaceutical Technology</i> , 14:3:26-33.	
CN1	1990, <i>Pharmaceutical Journal</i> , (Sep. 29) 245:428-429.	
CO1	1976, The Theory and Practice of Industrial Pharmacy, 2.sup.nd Ed., (Philadelphia, PA, Lea and Febiger), pp. 270 and 276-678.	
CP1	1979, Handbook of Aerosol Technology, 2.sup.nd Ed., (New York, New York: Van Nostrand Reinhold Company), pp. 30, 32, 33, 166, 167, 232-233.	
CQ1	U.S. Senate Hearings, May 12-14, 1987, 343-347, 437 (U.S. Government Printing Office, Washington, D.C., 1987), CIS: 1987-S321-26.	
CR1	1971, Hagers Handbook of Pharmaceutical Practice, pp. 342-354 (Berlin: Springer-Verlag).	

Examiner Signature		Date Considered	
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Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/820,817-Conf. #8899
				Filing Date	April 9, 2004
				First Named Inventor	Robert K. SCHULTZ
				Art Unit	1615
				Examiner Name	E. E. Silverman
Sheet	6	of	7	Attorney Docket Number	2801-0187P

	CS1	Genarro, A. R., 1985, Remington's Pharmaceutical Sciences, 17th Ed., Mack Pub. Co., pp. 1670-1677.	
	CT1	"CFC-Free Aerosols--The Final Hurdle", Manufacturing Chemist, 63(7):22-23, 1992.	
	CU1	Kontny et al., "Issues Surrounding MDI Formulation Development with Non-CFC Propellants", Journal of Aerosol Medicine, 4(3):181-187, 1991.	
	CV1	Moren, F., "Chlorofluorocarbons (CFCs) and Their Replacement", The Regulatory Affairs Journal, Jun. 1991, pp. 385-389.	
	CW1	Dalby, R., "Special Considerations in the Formulation of Suspension Type Metered Dose Inhalers", Aerosol Age, pp. 22-24, 26-28, 34, and 89, Oct. 1990.	
	CX1	Martindale: The Extra Pharmacopoeia. 28.sup.th Edition. Edited by James E.F. Reynolds, Assistant Editor Anne B. Prasad. The Pharmaceutical Press: London, 1982. Entry No. 1068-t.	
	CY1	The Merck Index (Budavari, Susan, Editor, Merck & Co., Inc. U.S.A. 1989).	
	CZ1	J. A. Ranucci et al., "Controlled Flocculation in Metered Dose Aerosol Suspensions" Pharmaceutical Technology, pp. 69-74, Apr. 1990.	
	CA2	Martindale: The Extra Pharmacopoeia. 28.sup.th Edition. Edited by James E.F. Reynolds, Assistant Editor Anne B. Prasad. The Pharmaceutical Press: London, 1982. Entry No. 1068-t.	
	CB2	Hammerbeck et al., Inflammation, 24:4:317-329 (2000)	
	CC2	Sidhu et al., J. Pharm. Pharmacol., 1993, 45: 597-600	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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